

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,

Petitioner,

vs.

ROBERT L. AYERS, Jr.,
Warden of San Quentin
State Prison,

Respondent.

No. CIV S-01-0507 LKK KJM

DEATH PENALTY CASE

ORDER

On June 19, 2009, the parties submitted a joint statement regarding a pre-evidentiary hearing schedule. After reviewing the parties' positions and hearing the arguments of counsel during the July 8, 2009 status conference, in consideration of recent litigation of the discovery issues in this case, and good cause appearing, the court finds and orders as follows:

1. The in-court proceedings for the evidentiary hearing described in Judge Karlton's March 27, 2009 order shall begin on May 10, 2010 before the undersigned in courtroom #26.

2. Each party will provide the other party on the first working day of every month commencing September 1, 2009, the names, addresses and relevant declarations or other summaries of testimony of any lay witnesses that party then knows are likely to be called to

1 testify on his or her behalf at the evidentiary hearing. By November 20, 2009, the parties shall
2 file and serve final witness lists, including addresses and a summary of each witness's proposed
3 testimony. By November 30, 2009, the parties may file and serve a list of any rebuttal witnesses.
4 No other witnesses will be permitted to testify unless the witness is an unanticipated rebuttal
5 witness and the court and opposing party are promptly notified upon discovery of the witness.

6 3. By January 22, 2010, each party shall file and serve a list of witnesses whose
7 direct testimony that party proposes to proffer by declaration, and a copy of the declarations.

8 4. Also by January 22, 2010, the parties shall file and serve the expert disclosures
9 required by Federal Rule of Civil Procedure 26(a)(2).

10 5. By February 22, 2010, the parties shall file and serve the disclosures required
11 by Rule 26(a)(2) for any rebuttal experts. After all witnesses have been identified, the court will
12 schedule a status conference to discuss which witnesses' testimony will be taken by declaration
13 or deposition. The court reminds the parties that deposition in lieu of in-court testimony is the
14 preferred method for taking the testimony of witnesses whose credibility is not an issue.

15 6. By March 19, 2010, the parties shall file any discovery-related motions.

16 7. By April 2, 2010, the parties shall file any non-discovery pretrial motions.

17 8. By April 23, 2010, the parties shall complete all discovery. Any motions to
18 compel may be filed on shortened time.

19 9. By April 30, 2010, the parties shall exchange exhibit lists and all exhibits.

20 10. By April 30, 2010, the parties shall have completed taking all out-of-court
21 testimony.

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1 11. On May 3, 2010 at 10:00 a.m., the undersigned will hold a pre-hearing
2 conference.

3 DATED: August 6, 2009.

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6 U.S. MAGISTRATE JUDGE
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